

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 2023

On June 21, 2002



By Victoria A. MacMillan

Victoria A. MacMillan

Attorney Docket No. 0174.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jack Wilkinson, et al.

Application No.: 10/081,526

Filed: February 21, 2002

For: METHODS FOR IMPROVING OR  
ALTERING  
PROMOTER/ENHANCER  
PROPERTIES

Examiner: Unassigned

Art Unit: Unassigned

TRANSMITTAL LETTER - RESPONSE  
TO NOTICE OF MISSING PARTS

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ORIGINALLY FILED

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

Pursuant to the "Notice to File Missing Parts of Application - Filing Date Granted" dated April 22, 2002, enclosed are the following to be made of record in the above-identified application:

1. Transmittal Sheet;
2. Substituted Drawings
3. Executed Declaration;
4. Statement Accompanying Sequence Listing
5. Copy of Notice of Missing Parts;
6. Diskette containing Sequence Listing
7. Receipt indication postcard;

Please charge Deposit Account No. 50-0990 for the following fees:

(a) Filing Fee (§ 1.16(a)) (Large Entity) \$ \_\_\_\_\_

(b) Excess Claims Fees (§ 1.16(b), (c)):

\_\_\_\_ - 20 = \_\_\_\_ x 18 = \$ \_\_\_\_\_

\_\_\_\_ - 3 = \_\_\_\_ x 84 = \$ \_\_\_\_\_

(c) Missing Parts Surcharge \$130.00

**TOTAL FEES TO BE CHARGED** \$130.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0990. *This Transmittal Letter is submitted in duplicate. (if not submitting fee transmittal)*

Respectfully submitted,



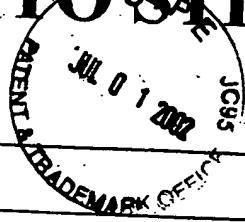
Christopher M. Holman  
Reg. No. 40,021

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Maxygen, Inc.  
Patent Department  
515 Galveston Drive  
Redwood City, California 94063  
Telephone: (650) 298-5300  
Facsimile: (650) 298-5446  
Customer No. 30560

**DISK TO STIC**

DATE: \_\_\_\_\_



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JUL 01 2002

## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/081,526	02/21/2002	Jack Wilkinson	18097A-001310US

## CONFIRMATION NO. 1010

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000007926187\*

07/08/2002 BABRAHA1 00000135 500990 10081526

01 FC:105 130.00 CH

Date Mailed: 04/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/08/2002 BABRAHA1 00000034 500990 10081536

FILED UNDER 37 CFR 1.53(b)

01 FC:105 130.00 CH

*Filing Date Granted*COPY OF PAPERS  
ORIGINALLY FILEDItems Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130 Late oath or declaration Surcharge.**

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*A copy of this notice **MUST** be returned with the reply.*

*S.B*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

16

Application Number

10/081,536

Filing Date

February 21, 2002

First Named Inventor

Wilkinson et al.

Group Art Unit

Unassigned

Examiner Name

Unassigned

Attorney Docket Number

174.210US

## ENCLOSURES (check all that apply)

Fee Transmittal Form  
 Fee Attached  
 Amendment / Response  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers (for an Application)  
 Drawing(s)  
 Licensing-related Papers  
 Petition Routing Slip (PTO/SB/69) and Accompanying Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Terminal Disclaimer  
 Small Entity Statement  
 Request for Refund

After Allowance Communication to Group  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Additional Enclosure(s) (please identify below):  
 Sequence Listing; Sequence Listing Statement; Disk; Declaration; Receipt of Acknowledgment postcard

## Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Christopher M. Holman, Reg. No. 40,021
Signature	
Date	June 21, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: June 21, 2002

Typed or printed name	Victoria A. MacMillan		
Signature		Date	June 21, 2002

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**ATTACHMENT TO "NOTICE TO COMPLY WITH  
REQUIREMENTS...SEQUENCE DISCLOSURES"**

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be submitted using one of the following methods:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
U. S. Patent and Trademark Office  
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Customer Window, Box Sequence  
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Arlington, Virginia 22202
4. Hand Carried directly to the Customer Window at:  
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Arlington, Virginia 22202